

UNITED STATES DISTRICT
COURT DISTRICT OF
MASSACHUSETTS

UNITED STATES OF AMERICA

v.

FAITH NEWTON

Docket No. 1:21-cr-10035-GAO-1

**DEFENDANT’S UPDATED MEMORANDUM REGARDING
ABILITY TO REVIEW CLOUD-BASED DISCOVERY**

Pursuant to the Court’s Electronic Order dated April 4, 2022, the defendant, Faith Newton (“Newton”), by and through undersigned counsel, hereby respectfully submit the following Updated Memorandum Regarding Ability To Review Cloud-Based Discovery:

As this Court is aware, counsel have previously reached out to the administration at Donald J. Wyatt Detention Center (“Wyatt”) for permission for Ms. Newton to be granted limited access to internet for the purpose of accessing cloud-based discovery. Counsel were advised that the request was denied, as no internet access is permitted to any inmates at Wyatt.

Counsel have also requested the assistance of Mike Andrews, First Circuit Case Budgeting Attorney, in researching a potential solution for Newton. In that regard, Attorney Andrews reached out to the director of the National Litigation Support Team (a Defender Services funded outfit which assists courts and CJA/Federal Defenders) who confirmed that the

issue of whether a laptop can be configured with access to only a designated internet address(es) for use by a detained person has not yet been determined or implemented to date.¹

To date, the administration at Wyatt represent to Attorney Andrews that they continue to work on the internet access issue, however, no resolution has been reached.²

Defense Counsel had previously inquired whether Newton could be brought to the United States Marshall's office at the Moakley Courthouse for the purpose of reviewing electronic discovery in the attorney conference rooms, however since the request is to review voluminous discovery accessible only through the internet, the Marshall's limited facilities were deemed not appropriate.

Defense counsel are aware that the Defendant is in the process of interviewing successor counsel due to the mutually recognized breakdown in the attorney-client relationship with current counsel.

Dated: April 5, 2022

Respectfully
submitted,
FAITH NEWTON
By and through her attorney,

/s/ R. Bradford Bailey
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¹ It was acknowledged that discovery in criminal cases is now more often cloud-based and that a solution for pretrial detainees having access from inside facilities will need to be resolved.

² Defense Counsel have remained in touch with Mr Andrews about this . As recently as Monday, April 4, 2022 Mr Andrews reported that when last he spoke with Wyatt they said they "are still working on it. "

/s/ Raymond Sayeg, Jr.

Raymond Sayeg, Jr.

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Certificate of Service

I, Raymond Sayeg, Jr., hereby certify that on this the 5th day of April 2022, I caused a true copy of the foregoing *Defendant's Updated Memorandum Regarding Ability To Review Cloud-Based Discovery* to be served upon all necessary parties via CM/ECF system.

/s/ Raymond Sayeg, Jr.

Raymond Sayeg, Jr.